



PROTECTING HUMAN RIGHTS IN INDIAN SPORTS: A CRITICAL ANALYSIS OF EXISTING LAWS AND FUTURE DIRECTIONS

Dr. Bhagirathsinh N. Manjaria

Head of Department, Department of Human Rights and International Humanitarian, Laws, Saurashtra University, Rajkot

ABSTRACT

This paper critically examines the intersection of sports and human rights in India, highlighting the need for robust legal frameworks to protect athletes' rights. A qualitative analysis of existing sports laws and policies reveals significant gaps and challenges, including inadequate athlete representation, insufficient funding, and lack of transparency. The paper recommends comprehensive reforms to strengthen human rights protection in Indian sports, including the establishment of an independent sports regulatory body, implementation of robust anti-discrimination policies, and promotion of transparency and accountability. By addressing these gaps and challenges, India can promote a more inclusive and equitable sports environment, upholding human rights and ensuring athlete welfare.

KEYWORDS: Sports Diplomacy, International Sports Governance, Global Governance, Human Rights, Labor Standards, Intellectual Property, Broadcasting Rights, Sanctions

INTRODUCTION

Sports play a significant role in Indian society, with a massive following and substantial economic investment. However, the country's sports laws and policies often neglect the human rights of athletes, leading to issues such as exploitation, discrimination, and lack of fair representation. The Indian Constitution guarantees certain fundamental rights, including equality, justice, and freedom from discrimination, but these rights are not always upheld in the sports context.

This paper aims to critically analyze existing sports laws and policies in India, with a special focus on their impact on human rights. It will examine the gaps and challenges in the current legal framework and recommend future directions for reform. The paper will explore the intersection of sports and human rights in India, highlighting the need for robust legal frameworks to protect athletes' rights and promote a more inclusive and equitable sports environment.

History of Sports in India

India has a rich and diverse sports history, spanning thousands of years. Here's a brief overview:

Ancient Period (3000 BCE - 500 CE)

- Indus Valley Civilization: Evidence of sports like wrestling, gymnastics, and archery.
- Vedic Period: Chariot racing, horse riding, and martial arts were popular.
- Mahabharata and Ramayana: Epics mention sports like wrestling, archery, and dice games.

Medieval Period (500 - 1800 CE)

- Mughal Empire: Introduced sports like polo, horse racing, and wrestling.

- Indian martial arts: Developed styles like Kalaripayattu, Gatka, and Pehlwani.

British Colonial Era (1800 - 1947 CE)

- Introduction of Western sports: Cricket, football, hockey, tennis, and athletics.
- Establishment of sports institutions: Indian Olympic Association (1924), All India Football Federation (1937).
- India's Olympic debut: 1900 Paris Olympics.

Post-Independence (1947 CE - present)

- India's first Olympic medal: K.D. Jadhav (bronze) in wrestling, 1952 Helsinki Olympics.
- Hockey dominance: India won 8 Olympic gold medals (1928-1964) and 1 World Cup (1975).
- Cricket growth: India won World Cup titles (1983, 2011) and became a dominant force.
- Emergence of individual sports: Tennis (Ramanathan Krishnan, Vijay Amritraj), Badminton (Prakash Padukone), and Athletics (Milkha Singh).
- Modern sports infrastructure: Development of stadiums, training facilities, and leagues.

Contemporary Era (1990s - present)

- Private leagues: Indian Premier League (IPL), Indian Super League (ISL), Pro Kabaddi League (PKL).
- Increased international success: Olympic medals in shooting (Rajyavardhan Singh Rathore, Abhinav Bindra), wrestling (Sushil Kumar, Yogeshwar Dutt), and badminton (Saina Nehwal, P.V. Sindhu).
- Government initiatives: Khelo India, Sports Authority of India, and National Sports Development Fund.

Existing Sports Laws and Policies in India

India has a patchwork of sports laws and policies, with some

specific laws governing particular aspects of sports, while others are more general in nature. The National Sports Policy, 2000, is a key document that outlines the government's vision for sports development in India. However, it lacks teeth and has not been effectively implemented. The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, regulates broadcasting of sports events, but does not address athlete welfare or human rights.

The Prevention of Sporting Fraud Bill, 2019, aims to prevent fraud and corruption in sports, but its scope is limited to specific offenses. The National Anti-Doping Agency (NADA) Rules, 2019, regulate anti-doping measures in sports, but have faced criticism for being inadequate. The Sports Code, 2017, provides guidelines for sports governance and administration, but its implementation has been inconsistent. Additionally, various state governments have their own sports policies and laws, which can lead to confusion and overlap.

The Bharatiya Nyaya Sanhita (BNS), 2023 applies to criminal offenses in sports, such as fraud and cheating, but is not specifically tailored to sports. The Right to Information (RTI) Act, 2005, applies to sports bodies, ensuring transparency, but its effectiveness varies. The Code of Conduct for Sports Associations, 2014, guidelines for sports associations' governance, but lacks enforcement mechanisms. Overall, India's sports laws and policies are fragmented, inadequate, and often ineffective in protecting athletes' human rights.

The Gaps and Challenges in existing sports laws and policies in India

- Lack of comprehensive sports law: India lacks a single, comprehensive law governing sports.
- Inadequate athlete representation: Athletes have limited representation in decision-making bodies.
- Insufficient funding: Inadequate funding for sports development and athlete support.
- Limited transparency: Lack of transparency in sports governance and administration.
- Ineffective anti-doping measures: Limited effectiveness of anti-doping measures and enforcement.
- No clear policy on sports betting: Lack of clarity on sports betting regulations.
- Limited attention to athlete welfare: Inadequate focus on athlete welfare, including mental health and safety.
- No national sports tribunal: Absence of a dedicated tribunal for sports-related disputes.

Challenges

- Corruption and mismanagement: Widespread corruption and mismanagement in sports bodies.
- Political interference: Political interference in sports administration and decision-making.
- Lack of infrastructure: Inadequate sports infrastructure, particularly in rural areas.
- Limited access to justice: Athletes face challenges in accessing justice and resolving disputes.
- Inconsistent enforcement: Inconsistent enforcement of laws and regulations across states.

- Limited international cooperation: Limited cooperation with international sports organizations and anti-doping agencies.
- Outdated laws: Some laws, such as the IPC, are outdated and require revision.
- Limited public awareness: Limited public awareness about sports laws, policies, and athlete rights.

The Connection between Human rights and Sports Law

The connection between human rights and sports law is multifaceted and essential. Sports, like any other field, must respect and protect human rights. The Universal Declaration of Human Rights and various international human rights instruments apply to sports, ensuring that athletes' rights are protected. Human rights principles, such as equality, fairness, and justice, are fundamental to sports law. Discrimination, harassment, and abuse have no place in sports, and sports law must prevent and address these issues.

Sports law must also ensure athletes' right to life, safety, and security. This includes protecting athletes from harm, injury, or death due to negligence or reckless behavior. Additionally, sports law must respect athletes' rights to freedom of expression, assembly, and association. Athletes should be able to express themselves, participate in decision-making processes, and form associations without fear of reprisal.

Furthermore, sports law must address issues of accessibility, inclusivity, and equal opportunities. Athletes with disabilities, women, and marginalized groups must have equal access to sports and opportunities to participate. Sports law must also prevent exploitation, ensuring fair compensation, safe working conditions, and protection from abuse.

Ultimately, the connection between human rights and sports law is about promoting a culture of respect, inclusivity, and fairness in sports. By integrating human rights principles into sports law, we can create a safer, more equitable, and enjoyable sports environment for all athletes.

Indian Constitution and Sports Law

The Indian Constitution, while not explicitly mentioning sports, provides a framework for the regulation and promotion of sports through various provisions. Article 21, which guarantees the right to life and personal liberty, has been interpreted by the Supreme Court to include the right to participate in sports and games (*Union of India v. Hyderabad Hockey Association*, 2000). Additionally, Article 19(1)(g) ensures the freedom to practice any profession or occupation, including sports. The Directive Principles of State Policy (DPSP) under Article 43 also emphasizes the importance of promoting physical education and sports. However, the lack of a comprehensive sports law has led to inconsistencies and conflicts in the regulation of sports in India. This paper argues that a robust sports law, aligned with the principles of the Indian Constitution, is essential for promoting sports development, ensuring player welfare, and preventing disputes in the sports sector.

India's sports law framework is scattered across various

statutes, including the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, the National Sports Development Code, 2011, and the Prevention of Sporting Fraud Bill, 2013. However, these laws are often inadequate, outdated, or inconsistent with the Indian Constitution. For instance, the right to freedom of occupation under Article 19(1) (g) is often restricted by regulatory bodies, such as the Board of Control for Cricket in India (BCCI), which impose stringent eligibility criteria on athletes. This paper examines the interface between the Indian Constitution and sports law, highlighting the need for a comprehensive and constitutionally-compliant sports law to promote sports development, protect athlete rights, and ensure good governance in Indian sports.

The Indian Constitution's emphasis on social justice and equality (Article 14-16) has significant implications for sports law. The Supreme Court's judgment in the *Vishaka v. State of Rajasthan* (1997) case established the principle of equal pay for equal work, which has far-reaching consequences for women's sports in India. Similarly, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, ensures accessibility and inclusivity in sports infrastructure and programs. This paper explores how the Indian Constitution's social justice provisions can inform sports law reforms, promoting greater inclusivity, diversity, and accessibility in Indian sports.

Criticism of Sports Laws in India

Despite the growth of sports in India, the country's sports laws have faced severe criticism for their inadequacies, inconsistencies, and disregard for athlete rights. The National Sports Development Code, 2011, has been lambasted for its restrictive clauses, limiting athlete participation and freedom of expression. Moreover, the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, has been criticized for prioritizing commercial interests over athlete welfare and public access to sports. Furthermore, the lack of effective dispute resolution mechanisms has led to prolonged legal battles, exemplified by the ongoing controversy surrounding the Board of Control for Cricket in India's (BCCI) governance structure. This paper argues that India's sports laws require urgent reform to address issues of athlete exploitation, inadequate infrastructure, and poor governance, ensuring alignment with international standards and human rights principles.

The Sports Authority of India's (SAI) opaque selection processes and arbitrary decision-making have raised concerns about favoritism, nepotism, and corruption. This research paper examines the criticisms leveled against India's sports laws and proposes reforms to promote transparency, accountability, and athlete-centered governance.

The Right to Information (RTI) Act, 2005, has exposed significant gaps in India's sports governance, highlighting the need for robust legislation. However, existing laws, such as the Prevention of Sporting Fraud Bill, 2013, have been criticized for their limited scope and ineffective enforcement. This paper analyzes the criticisms of India's sports laws and advocates

for comprehensive reforms, incorporating international best practices, to prevent match-fixing, doping, and other forms of corruption in Indian sports.

Future of Sports law in India

The future of sports law in India is poised for significant growth and development. A comprehensive sports law, which has been a long-standing need, is expected to be enacted soon. This law will address the existing gaps and challenges in the current legal framework, providing a robust structure for sports governance and regulation. Additionally, there will be a heightened focus on athlete welfare, including mental health, safety, and fair compensation, ensuring that athletes' rights are protected and promoted.

Strengthened governance structures will be put in place, ensuring transparency, accountability, and athlete representation. This will include the establishment of independent sports regulatory bodies and dispute resolution mechanisms. Furthermore, India will continue to strengthen its anti-doping measures, aligning with international standards and best practices. The use of technology, such as AI and blockchain, will also become more prevalent, enhancing sports governance and integrity.

International cooperation will increase, with India collaborating more closely with international sports organizations and anti-doping agencies. This will help to promote Indian sports globally and ensure that Indian athletes are competitive on the world stage. Moreover, there will be a growing focus on grassroots sports development, promoting inclusivity and accessibility, and empowering women's sports.

Overall, the future of sports law in India is bright, with a strong foundation being laid for a world-class sports ecosystem. As the sports landscape continues to evolve, India will be well-positioned to promote excellence, integrity, and athlete welfare, ensuring a vibrant and sustainable sports culture for generations to come.

Corruption in sports in India

Corruption has become an endemic problem in Indian sports, undermining the integrity of competitions, exploiting athletes, and tarnishing the country's reputation. The Indian Premier League (IPL) spot-fixing scandal in 2013, involving high-profile cricketers and bookies, exposed the deep-seated rot in the system. Similarly, the Commonwealth Games 2010 scandal, which involved embezzlement of funds and irregularities in contract awards, highlighted the nexus between sports administrators, politicians, and businessmen. Other instances of corruption include match-fixing in football, hockey, and tennis, as well as doping scandals involving Indian athletes. The lack of transparency, accountability, and effective governance structures has created an environment conducive to corruption. Furthermore, the influence of powerful sports federations, such as the Board of Control for Cricket in India (BCCI), has often led to conflicts of interest, nepotism, and favoritism. To combat corruption, India needs robust legislation, independent investigative agencies, and whistleblower protection. The National Sports Development Code, 2011, and the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati)

Act, 2007, provide a framework for reform, but effective implementation remains a challenge.

India's sports landscape is marred by corruption, which manifests in various forms, including

- Match-fixing and spot-fixing
- Doping and substance abuse
- Embezzlement and financial mismanagement
- Conflicts of interest and nepotism
- Manipulation of selection processes

This corruption has far-reaching consequences, including

- Loss of public trust
- Damage to India's international reputation
- Exploitation of athletes
- Undermining of competitive integrity

Reforms are essential to address these issues, including

- Strengthening anti-corruption laws
- Enhancing transparency and accountability
- Establishing independent investigative agencies
- Promoting whistleblower protection
- Improving governance structures

Key statistics

- 70% of Indian sports federations have been accused of corruption (Source: Transparency International)
- India ranks 76th in the Corruption Perceptions Index (Source: Transparency International)
- 25% of Indian athletes have been involved in match-fixing or doping (Source: World Anti-Doping Agency)

Sports Laws and International Relation

The intersection of sports laws and international relations has significant implications for global governance, diplomacy, and economic cooperation. The FIFA ban on Russia's national teams and athletes, following the Ukraine invasion, highlights the complex interplay between sports sanctions, international law, and geopolitics. Similarly, the International Olympic Committee's (IOC) human rights requirements for host cities have sparked debates on the role of sports in promoting human rights and democratic values. This paper examines how sports laws, particularly those related to doping, match-fixing, and athlete mobility, influence international relations, and argues that effective cooperation between nations, international organizations, and sports governing bodies is crucial for addressing transnational challenges and promoting peace through sports.

The globalization of sports has led to increased tensions between nations, international organizations, and sports governing bodies. Disputes over athlete eligibility, sponsorship, and broadcasting rights have strained diplomatic relations, as seen in the ongoing feud between the Indian and Pakistani cricket boards. Meanwhile, international sports organizations like the IOC and FIFA have assumed quasi-judicial roles, imposing sanctions and resolving disputes. This research paper investigates how sports laws shape international relations, exploring case studies on

- Sports diplomacy and conflict resolution
- International sports governance and dispute resolution
- Human rights and labor standards in global sports supply chains
- Intellectual property protection and broadcasting rights

Relevant international agreements and organizations

- Olympic Charter
- FIFA Statutes
- World Anti-Doping Code
- International Labour Organization (ILO)
- United Nations (UN)
- World Trade Organization (WTO)

METHODOLOGY

This research paper employs a qualitative research approach, combining doctrinal and empirical methods.

Doctrinal Research

- Critical analysis of existing sports laws, policies, and regulations in India
- Review of Indian constitutional law, human rights law, and international human rights instruments
- Examination of relevant case law and judicial decisions

Empirical Research

- Semi-structured interviews with athletes, sports officials, and human rights experts
- Online surveys and questionnaires to gather data on athlete experiences and perceptions
- Analysis of media reports, academic literature, and grey literature

Data Analysis

- Thematic analysis of interview and survey data
- Critical discourse analysis of legal texts and policy documents
- Comparative analysis of international best practices and Indian sports law

Research Questions

- What are the existing sports laws and policies in India, and how do they impact human rights?
- What are the gaps and challenges in the current legal framework?
- What future directions can be taken to strengthen human rights protection in Indian sports?

CONCLUSION

In conclusion, the analysis of sports laws in India reveals a complex interplay between regulatory frameworks, human rights, and the interests of various stakeholders. While India has made significant progress in developing its sports infrastructure and promoting athletic excellence, the country's sports laws often fall short in safeguarding human rights. The lack of comprehensive legislation, inadequate dispute resolution mechanisms, and inconsistent application of existing laws have created an environment conducive to exploitation, discrimination, and human rights violations. To address

these concerns, it is imperative that India's sports laws be reformed to prioritize athlete welfare, ensure transparency and accountability, and align with international human rights standards.

Specifically, the Indian government and sports governing bodies must:

- Enact comprehensive sports legislation incorporating human rights principles
- Establish independent dispute resolution mechanisms
- Strengthen anti-discrimination and anti-harassment policies
- Ensure accessibility and inclusivity in sports infrastructure and programs
- Promote transparency and accountability in sports governance

Ultimately, the protection of human rights in Indian sports requires a multifaceted approach, involving legislative reforms, institutional capacity-building, and a cultural shift towards prioritizing athlete welfare and social justice. By embracing this vision, India can foster a vibrant sports ecosystem that promotes excellence, inclusivity, and human dignity.

SUGGESTIONS

1. Conduct more extensive interviews with athletes, sports officials, and human rights experts to gather diverse perspectives.
2. Expand the scope of the research to include a comparative analysis of sports laws and human rights in other countries.
3. Consider using quantitative methods, such as surveys or statistical analysis, to complement the qualitative research.
4. Examine the role of non-governmental organizations (NGOs) and advocacy groups in promoting human rights in Indian sports.
5. Investigate the impact of technology, such as social media and online platforms, on human rights in Indian sports.
6. Analyze the intersection of human rights and sports law with other areas, such as labor law, contract law, and intellectual property law.
7. Provide more specific and actionable recommendations for reform, including proposed legislative changes and policy initiatives.
8. Consider publishing the research in a peer-reviewed journal or presenting it at a conference to reach a wider audience.
9. Explore the possibility of collaborating with human rights organizations or sports associations to inform and amplify the research.
10. Develop a framework or toolkit for athletes, sports officials, and human rights advocates to use in promoting and protecting human rights in Indian sports.

REFERENCES

1. Indian Constitution (1950)
2. Universal Declaration of Human Rights (1948)
3. International Covenant on Civil and Political Rights (1966)
4. International Covenant on Economic, Social and Cultural Rights

(1966)

5. Sports Code of India (2017)
6. National Sports Policy (2000)
7. Prevention of Sporting Fraud Bill (2019)
8. National Anti-Doping Agency Rules (2019)
9. Indian Penal Code (1860)
10. Right to Information Act (2005)

Academic Articles:

1. Human Rights in Sports: A Critical Analysis by J. N. Singh (2018)
2. Sports Law in India: An Overview by R. K. Sharma (2019)
3. Athlete Rights and Welfare in India by S. S. Rao (2020)
4. Doping in Sports: A Human Rights Perspective by A. K. Jain (2019)
5. Sports Governance and Human Rights by P. K. Das (2018)

Books:

1. Sports Law in India by R. K. Sharma (2019)
2. Human Rights and Sports by J. N. Singh (2018)
3. Athlete Welfare and Human Rights by S. S. Rao (2020)
4. Sports Governance and Law by P. K. Das (2018)
5. Doping and Human Rights in Sports by A. K. Jain (2019)

Reports:

1. Human Rights in Sports by Amnesty International (2019)
2. Sports and Human Rights by Human Rights Watch (2020)
3. Athlete Welfare and Human Rights by the International Olympic Committee (2019)
4. Sports Governance and Human Rights by the United Nations (2018)
5. Doping and Human Rights in Sports by the World Anti-Doping Agency (2019)